



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Parking on Kettleman Lane of Vehicles Displaying  
"For Sale" Signs

MEETING DATE: May 6, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Information only.

BACKGROUND: The Council was recently asked to take steps to deal with the large number of vehicles displaying "For Sale" signs parked at the south curb of Kettleman Lane. The most practical approach seemed to be a time limit on parking. However, that could negatively affect parking by those residents who live on the north side of the street.

It now appears a State statute may supply a solution without the need for further City action.

It was recently pointed out to me that Streets and Highways Code Section 731 (attached) prohibits parking any vehicle on a State highway for the purpose of (among other things) offering it for sale. Violation of the Section is a misdemeanor and may also result in the vehicle being towed. It authorizes enforcement by the Highway Patrol or any local peace officer.

Since Kettleman Lane is a State highway, the statute may be useful, although it would be of no help anywhere else in the City.

Following discussion with City Manager Tom Peterson, it was felt that the best approach might be to begin enforcement by simply placing a warning and copy of the statute on any vehicle displaying a "For Sale" sign found parked on Kettleman Lane. After a reasonable time, citations could be issued.

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



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Title:       Parking on Kettleman Lane of Vehicles Displaying  
              "For Sale" Signs  
Date:        May 6, 1992  
Page:        Two

It is recommended that no further local parking restrictions be implemented on Kettleman Lane pending an enforcement program using this Streets and Highways Code section. The City Council will be kept advised.

FUNDING:   None required.

Respectfully submitted,



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Bob McNatt  
city Attorney

BM/vc

attachment

## CHAPTER 3. THE CARE AND PROTECTION OF STATE HIGHWAYS

### ARTICLE 3. NUISANCE AND PENAL PROVISIONS

#### Section

731.6. Public pay telephones; location within bus passenger shelters; permits.

#### 4 731. Vehicle or structure on highway for sale purposes; public nuisance; summary removal

Any vehicle or structure parked or placed wholly or partly within any state highway, for the purpose of selling the same or of offering therefrom or therein any article, service or thing, is a public nuisance and the department may immediately remove that vehicle or structure from within any " " highway.

Any person parking any " " vehicle or placing any " " structure wholly or partly within any " " highway for the purpose of selling that vehicle or structure, or of offering therefrom or therein, any article or thing, and any person selling, displaying for sale, or offering for sale any article or thing either in or from " " that vehicle or structure so parked or placed, and any person storing, servicing, repairing or otherwise working upon any " " vehicle, other than upon a vehicle which is temporarily disabled, is guilty of a misdemeanor.

The California Highway Patrol and all peace officers may enforce the provisions of this chapter and shall cooperate with the department to that end. Whenever any member of the California Highway Patrol or any peace officer removes a vehicle from a highway under the provisions of this section, then all of the provisions of Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code with reference to the removal of a vehicle from a highway shall be applicable.

" " This section does not prohibit a seller from linking orders or delivering any commodity from a vehicle on that part of any state highway immediately adjacent to the premises of the purchaser; " " prohibit an owner or operator of a vehicle, or a mechanic, from servicing, repairing or otherwise working upon any vehicle which is temporarily disabled in " " a manner and to an extent that it is impossible to avoid stopping that vehicle within the highway; or prohibit coin-operated public telephones and related telephone structures in park and ride lots, vista points, and truck inspection facilities within state highway rights-of-way for use by the general public.

(Amended by Stats.1991, c. 775 (S.B.732), § 10.)

#### Historical and Statutory Notes

1991

The 1991 amendment, preceding "vehicle", "structure" and "highway" throughout the section either substituted

"that" for "such" or deleted "such"; corrected the spelling of "cooperate" in the third paragraph; and rewrote the paragraph relating to exceptions

#### § 731.6. Public pay telephones; location within bus passenger shelters; permits

Section 731 does not apply to a coin-activated or credit card-activated telephone available for public use shared and maintained within any bus passenger shelter lawfully erected upon any state highway other than a freeway or expressway if the person placing the telephone has obtained a permit from the department pursuant to Section 670

(Added by Stats.1990, c. 512 (A.B.1063), § 1.)